

**House File 2175 - Introduced**

HOUSE FILE 2175

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**A BILL FOR**

1 An Act relating to the definition of person under the criminal  
2 code.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 702.24 Person and application to  
2 crimes against a person.

3 1. Whenever the word "*person*" appears in the criminal  
4 code relating to crimes against a person, "*person*" means all  
5 living human beings from the beginning of their biological  
6 development as human organisms regardless of age, race, sex,  
7 gender, capacity to function, condition of physical or mental  
8 dependency or disability, or method of sexual or asexual  
9 reproduction used, whether existing in vivo or in vitro,  
10 and each person is accorded the same rights and protections  
11 guaranteed to all persons by the Constitution of the United  
12 States, the Constitution of the State of Iowa, and the laws of  
13 this state.

14 2. Notwithstanding any other provision of law to the  
15 contrary, in the criminal code:

16 a. The elements of a crime against a person shall not be  
17 interpreted to preclude the use of medications or procedures  
18 necessary to relieve a person's pain or discomfort if the  
19 use of the medications or procedures is not intentionally or  
20 knowingly prescribed or administered to cause the death of a  
21 person.

22 b. The following acts do not constitute a crime against a  
23 person:

24 (1) Medical treatment for life-threatening conditions,  
25 provided to a person by a physician licensed to practice  
26 medicine, which results in the accidental or unintentional  
27 injury or death of another person.

28 (2) Legitimate medical treatment for life-threatening  
29 conditions not intended to harm a person but which has the  
30 foreseeable effect of ending a person's life, including  
31 legitimate medical treatment to preserve the life of a pregnant  
32 woman even if the foreseeable effect is harm to the fetus, as  
33 long as the person providing the medical treatment exercises  
34 that degree of professional skill, care, and diligence  
35 available to preserve the life and health of the fetus.

1 (3) The creation of a person through in vitro fertilization.

2 (4) Contraception administered before a clinically  
3 diagnosable pregnancy.

4 c. A crime against a person who has not yet been born shall  
5 only be charged against the principal actor of the criminal  
6 conduct.

7 (1) For the purposes of this paragraph "c", a person is a  
8 principal actor if the person does any of the following:

9 (a) Commits an offense punishable under the criminal code or  
10 aids, abets, counsels, commands, or procures its commission.

11 (b) Causes an act to be done which, if directly performed by  
12 the person, would be punishable under the criminal code.

13 (2) For the purposes of this paragraph "c", a pregnant woman  
14 shall not be considered a principal actor.

15 3. This section shall not be interpreted as a basis for  
16 inuring to or vesting in a child before the time of live birth  
17 or in the biological parents of a child before the time of live  
18 birth a pecuniary interest or citizenship status.

19 EXPLANATION

20 This bill defines "person" for the purposes of the criminal  
21 code to be: all living human beings from the beginning of  
22 their biological development as human organisms regardless  
23 of age, race, sex, gender, capacity to function, condition  
24 of physical or mental dependency or disability, or method of  
25 sexual or asexual reproduction used, whether existing in vivo  
26 or in vitro, and each person is accorded the same rights and  
27 protections guaranteed to all persons by the Constitution of  
28 the United States, the Constitution of the State of Iowa, and  
29 the laws of this state.

30 The bill provides some exemptions to the interpretation  
31 and application of crimes against a person based on the  
32 definition. The bill provides that elements of a crime against  
33 a person shall not be interpreted to preclude the use of  
34 medications or procedures necessary to relieve a person's pain  
35 or discomfort if the use of the medications or procedures is

1 not intentionally or knowingly prescribed or administered to  
2 cause the death of a person. Additionally, the following acts  
3 do not constitute a crime against a person:

4 1. Medical treatment for life-threatening conditions,  
5 provided to a person by a physician licensed to practice  
6 medicine, which results in the accidental or unintentional  
7 injury or death of another person.

8 2. Legitimate medical treatment for life-threatening  
9 conditions not intended to harm a person but which has the  
10 foreseeable effect of ending a person's life, including  
11 legitimate medical treatment to preserve the life of a pregnant  
12 woman even if the foreseeable effect is harm to the fetus, as  
13 long as the person providing the medical treatment exercises  
14 that degree of professional skill, care, and diligence  
15 available to preserve the life and health of the fetus.

16 3. The creation of a person through in vitro fertilization.

17 4. Contraception administered before a clinically  
18 diagnosable pregnancy.

19 Finally, under the bill, a crime against a person who has not  
20 yet been born shall only be charged against the principal actor  
21 of the criminal conduct. The bill defines "principal actor"  
22 for the purposes of the bill and provides that a pregnant woman  
23 is not to be considered a principal actor.

24 The bill also provides that the provisions of the bill are  
25 not to be interpreted as a basis for inuring to or vesting in  
26 a child before the time of live birth or in the biological  
27 parents of a child before the time of live birth a pecuniary  
28 interest or citizenship status.